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U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----x  
KEVIN GAMBLE,

★ NOV 29 2018 ★

BROOKLYN OFFICE

Plaintiff,

TRANSFER ORDER

18-CV-3931 (KAM)

-against-

CLINTON CORRECTIONAL FACILITY;  
EARL BELL, Superintendent;  
D. McINTOSH, Superintendent Deputy  
of Program; DR. JOHNSON, FHSD;  
PRACTITIONER NURSE, Ms. John Doe;  
MS. J. PERRY, A.S.A.T. Counselor,

Defendants.

-----x  
KIYO A. MATSUMOTO, District Judge:

Plaintiff Kevin Gamble brings the instant *pro se* complaint pursuant to 42 U.S.C. § 1983. Plaintiff alleges that while he was incarcerated at the Clinton Correctional Facility, located in Dannemora, New York, he was denied medical care and that the conditions of his confinement were inadequate. Plaintiff seeks monetary damages. (See ECF No. 1, Compl.) For the following reasons, the Court transfers the instant action to the United States District Court for the Northern District of New York.

Under 28 U.S.C. § 1391, a civil rights action may be brought in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). Here, since the acts or omissions that gave rise to the Complaint occurred at Clinton Correctional Facility, and all defendants are located at Clinton Correctional Facility, transfer of this action is appropriate. (See Compl. at 1-3); 28 U.S.C. § 1404(a).

#### **Conclusion**

The Clerk of Court is hereby directed to transfer this action to the United States District Court for the Northern District of New York. 28 U.S.C. §§ 1391(b); 1404(a). No summons shall issue from this Court. A ruling on plaintiff's application to proceed *in forma pauperis* ("IFP") and his Prison Litigation Reform Act ("PLRA") authorization is reserved for the transferee Court.

That provision of Rule 83.1 of the Local Rules of the Eastern District of New York which requires a seven day delay is waived. The Clerk of Court is respectfully directed to serve *pro se* plaintiff with a copy of this Memorandum and Order, and note service on the docket.

SO ORDERED.

/s/

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KIYO A. MATSUMOTO  
United States District Judge

Dated: Brooklyn, New York  
November 26, 2018